



# Faculty Senate

## Steering Committee

Agenda for meeting of Thursday, November 16<sup>th</sup>, 2023, 3:00 pm

Location: In person in the Charge on Chamber, Student Union Room 340

*For those unable to make the in person meeting due to travel, distant locations, or health issues, there is a Zoom option:*

<https://ucf.zoom.us/j/97412030576?pwd=bS96U2ZFYm04bDBtT1ozSENhV0F6Zz09>

Passcode: 916911

1. Call to Order
2. Roll Call via Qualtrics
3. Approval of Minutes of October 19, 2023
4. Recognition of Guests
5. Announcements
6. Report of the Senate Chair
7. Report of the Provost
8. Unfinished Business
9. New Business
  - a) Resolution 2023-2024-5 BOG Regulation 9.016: Prohibited Expenditures
    - i) Resolution will be provided November 13<sup>th</sup> or 14<sup>th</sup>.
  - b) Resolution 2023-2024-4 Bylaws Amendment: Senate Meeting Modality
    - i) Resolution provided in the meeting materials.
  - c) Senate Agenda for Dec 7, 2023
    - i) New Advising Plan for Student Success; VP Paul Dosal
  - d) Preliminary Senate Agenda for Jan 18, 2024
    - i) Workday Update; VP Gerald Hector
10. Committee Reports
  - a) B&A Committee: Keri Watson, Chair of B&A Committee
  - b) IT Committee: Joe Kider, Steering Liaison for IT Committee
  - c) Personnel Committee: Kristina Tollefson, Steering Liaison for Personnel
  - d) Research Committee: Linda Walters, Chair of Research Council
  - e) Graduate Council: Danny Seigler, Steering Liaison for Graduate Council
  - f) Undergraduate Council: Tina Chiarelli, Chair of UCRC, Steering Liaison for UG
11. Other Business.
12. Adjournment

Resolution 2023-2024-5  
Board of Governors **Regulation 9.016 Prohibited Expenditures**

**Whereas**, the **First Amendment of the United States Constitution** states:

*“Congress shall make no law respecting an establishment or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”*; and

**Whereas**, the Board of Governors **Regulation 9.016 Prohibited Expenditures**, prohibits universities and people working within the State University System of exercising the right to advocate to effect *“change to a government policy, action, or function”*; and

**Whereas**, Appendix A State University System of Florida **Statement of Free Expression** was approved by the Board of Governors on April 15, 2019, and states, in part:

*“A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own worldview. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of each of our institutions' academic and research missions.*

*It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas”*; and

**Whereas**, the Board of Governors **Regulation 9.016 Prohibited Expenditures** will stifle the discussion and consideration of speech required as described in the Board of Governor’s **Statement of Free Expression** relating to *“race, color, sex, national origin, gender identity, or sexual orientation”*, speech *“with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a*

*desired result related to social issues”, and speech on “topics that polarize or divide society among political, ideological, moral or religious beliefs”; and*

**Whereas** the Board of Governors ***Regulation 9.016 Prohibited Expenditures*** is imprecisely worded and ambiguous about what activities are likely to be interpreted as attempts *"to equalize or increase outcomes, participation or representation"* or student activities or organizations, or university programs, that aim to *“achieve a desired result related to social issues”*, which may inadvertently intimidate or discourage activities that are protected by academic freedom or by the **First Amendment of the United States Constitution**; therefore

**Be It Resolved**, that University of Central Florida Faculty Senate urges the Board of Governors to revise ***Regulation 9.016 Prohibited Expenditures*** so that the definitions within the Regulation, when combined with the expenditure prohibitions of the Regulation, no longer conflict with the **First Amendment of the United States Constitution**, and the Board of Governors’ own **Statement of Free Expression**; and

**Be It Further Resolved**, that University of Central Florida Faculty Senate urges the Board of Governors to revise ***Regulation 9.016 Prohibited Expenditures*** so that the State University System institutions can freely support their Board of Governor-approved and Board of Trustee-approved Missions and Strategic Plans, which focus in large part on supporting the success of the more than 430,000 diverse students across the State University System.

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED AMENDED REGULATION**

**DATE: November 9, 2023**

**REGULATION NUMBER AND TITLE: 9.016 Prohibited Expenditures**

**SUMMARY:**

Senate Bill 266, signed by the Governor on May 9, 2023, prohibits a university or university direct-sport organization from expending any state or federal funds, regardless of source, to promote, support, or maintain any programs or campus activities that:

- (a) Violate section 1000.05 Florida Statute; or
- (b) Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors.

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO PROPOSE REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION:** Rachel Kamoutsas, General Counsel & Corporate Secretary

**COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu).

## 9.016 Prohibited Expenditures.

### (1) Definitions

#### (a) For purposes of this regulation:

1. "Diversity, Equity or Inclusion" or "DEI" is any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.
2. "Political or Social Activism" is any activity organized with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a desired result related to social issues, where the university endorses or promotes a position in communications, advertisements, programs, or campus activities. Political or social activism does not include:
  - a. Authorized government relations and lobbying activities of the university concerning matters that directly affect the operations of the university or direct-support organizations of the university.
  - b. Endorsement or promotion of a position that encourages compliance with state or federal law, or Board of Governors guidance or regulation.
3. "Social Issues" are topics that polarize or divide society among political, ideological, moral, or religious beliefs.
4. "Any programs or campus activities" are activities authorized or administered by the university or a university's direct-support organization(s) that involve:
  - a. Academic programs subject to review as outlined in sections 1001.706(5)(a) and 1007.25, Florida Statutes, other than classroom instruction;
  - b. Student participation, other than classroom instruction;
  - c. Hiring, recruiting, evaluating, promoting, disciplining, or terminating university employees or contractors.
5. "Student-led organization" is a student organization recognized by the university as an active and registered student organization that is comprised of student members with a faculty or staff advisor, including but not limited to organizations that receive activity and service fees pursuant to section 1009.24, Florida Statutes.
6. "Non-traditional Student" is an undergraduate student not pursuing higher education immediately or up to 2 years after graduating high school.
7. "State funds" are those funds provided to a university or direct-support organization for a university directly or indirectly by an

appropriation by the Florida Legislature. This includes financial aid provided to the university by or on behalf of a student attending the university if that financial aid is provided to the student via a state government aid or grant program.

8. "Federal funds" are those funds provided to the university or direct-support organization for a university directly or indirectly by an appropriation by Congress. This includes financial aid provided to the university by or on behalf of a student attending the university if that financial aid is provided to the student via a governmental aid or grant program.

a. State and federal funds do not include student fees to support student-led organizations notwithstanding any speech or expressive activity by such organizations which would otherwise violate this section, provided that the student fees must be allocated to student-led organizations pursuant to written policies or regulations of each state university, as applicable.

(2) A state university or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that:

- (a) Violate section 1000.05, Florida Statutes;
- (b) Advocate for diversity, equity, and inclusion as defined in this regulation; or
- (c) Promote or engage in political or social activism as defined in this regulation.

(3) A state university or state university direct-support organization advocates for DEI when it engages in a program, policy or activity that:

- (a) Advantages or disadvantages, or attempts to advantage or disadvantage an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation or representation as compared to other individuals or groups; or
- (b) Promotes the position that a group or an individual's action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.

(4) Student-led organizations may use university facilities notwithstanding any speech or expressive activity by such organizations which would otherwise violate section (2), provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each state university, as applicable.

(5) Section (2) does not prohibit programs, campus activities, or functions required for compliance with general, state, or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation with the approval of the

Board of Governors; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, “2+2” transfer students from the Florida College System, students from low-income families, or students with unique abilities.

- (6) Section (2) does not prohibit expenditure of state or federal funds, so long as the expenditure is for ministerial or administrative activities of a program or campus activity that is not unique to that program or campus activity and that specific program or campus activity is otherwise supported by private funds.
  
- (7) A university shall designate a university official or officials who are responsible for compliance, oversight and adherence with the prohibited expenditure provisions of this regulation.

Authority: Section 7(d), Art. IX Fla. Const. §§ 1000.05, 1001.706, 1004.06, 1007.25, 1009.24, Fla. Stat. (2023); History – New XX- XX-XX.

## **Board of Governors Free Expression Statement 2022**

The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this Statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own world view. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of the academic and research missions of each of our institutions.

It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so, without fear of being bullied, threatened or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence

expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

Each member of our campus communities must also recognize that institutions may restrict expression that is unlawful, such as true threats or defamation. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each institution for there to be reasonable limitations on the time, place, and manner in which these rights are exercised. Each institution has adopted regulations that align with Florida's Campus Free Expression Act, section 1004.097, Florida Statutes, and with the United States and Florida Constitutions and the legal opinions interpreting those provisions. These limitations are narrowly drawn and content-neutral and serve to ensure that all members of our campus communities have an equal ability to express their ideas and opinions, while preserving campus order and security.

**Resolution 2023-2024-4**  
**Bylaws Amendment Resolution**  
**Faculty Senate Meeting Modality**

**Whereas**, the Bylaws to the Constitution of the Faculty of the University of Central Florida specify the details of regular and special meetings of the Faculty Senate; and

**Whereas**, the Faculty Senate met in person for over 50 years prior to the coronavirus pandemic in rented space across campus and never in a properly designed Senate chamber; and

**Whereas**, the Faculty Senate now meets in a modern Senate chamber that physically enables a vigorous and strong debate of issues on the floor, allowing for better verbal and nonverbal communication, improved trust and transparency, increased accountability, and better decision-making; and

**Whereas**, the use of hybrid or remote modality in Faculty Senate meetings can lead to various forms of miscommunication between Senators and can diminish the ability of Senators to debate, vote, and build a strong faculty community here at UCF; and

**Whereas**, under recent emergency conditions, such as during the height of the coronavirus pandemic and in the immediate aftermath of damaging local hurricanes, there was a benefit to having remote and/or hybrid meetings of the Faculty Senate; therefore

**Be it resolved** that the Faculty Bylaws Section IV.D Regular Meeting and Section IV.E Special Meetings be amended to state:

**D. Regular Meetings**

All regular meetings of the Faculty Senate shall be face-to-face modality. To allow virtual viewing of face-to-face senate meetings and the potential recording of senate meetings, zoom-style technology can be utilized. However, virtual guests will only be able to view the meeting and will not be able to interact with in person attendees, partake in any discussions or vote on any motions. Virtual viewing of a senate meeting will not constitute attendance by faculty senators. Under emergency conditions, the chair of the Faculty Senate chair may utilize hybrid or fully online modalities for regular Faculty Senate meetings.

An agenda shall be sent electronically to each senator at least one week prior to regular Faculty Senate meetings.

**E. Special Meetings**

As specified in the *Constitution*, Article V, special meetings shall be called only with written notice of the meeting and its agenda sent to members one week prior to the meeting, time permitting. The Chair of the Faculty Senate may utilize face to face, hybrid, or remote modalities for special meetings.

## Resolution: Faculty Senate Meeting Modality

### Section IV. Meetings of the Senate

#### CURRENT:

##### D. Regular Meeting

An agenda shall be sent electronically to each senator at least one week prior to the meeting.

##### E. Special Meetings

As specified in the *Constitution*, Article V, special meetings shall be called only with written notice of the meeting and its agenda sent to members one week prior to the meeting, time permitting.

#### PROPOSED:

##### D. Regular Meetings

All regular meetings of the Faculty Senate shall be face to face modality. To allow virtual viewing of face-to-face senate meetings and the potential recording of senate meetings, zoom-style technology can be utilized. However, virtual guests will only be able to view the meeting and will not be able to interact with in person attendees, partake in any discussions or vote on any motions. Virtual viewing of a senate meeting will not constitute attendance by faculty senators. Under emergency conditions, the chair of the Faculty Senate may utilize hybrid or fully online modalities for regular Faculty Senate meetings.

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